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Selection and conditions of service of Executive Heads in the United Nations system organizations

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Joint Inspection Unit entitled "Selection and conditions of service of Executive Heads in the United Nations system organizations" (JIU/REP/2009/8).

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SELECTION AND CONDITIONS OF SERVICE OF EXECUTIVE HEADS IN THE UNITED NATIONS SYSTEM ORGANIZATIONS

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EXECUTIVE SUMMARY

Selection and Conditions of Service of Executive Heads in the United Nations System Organizations
JIU/REP/2009/8

Objective

To undertake an evaluation of the legal and institutional framework and practices in the selection and appointment of the Secretary-General of the United Nations and other executive heads in the United Nations system organizations, including their conditions of service, with the objective of assisting in the establishment of harmonized selection criteria that would ensure the highest quality of leadership and management, with concomitant conditions of service, at the executive head level of each organization.

Main findings and conclusions

The selection of executive heads in the United Nations system organizations, including the United Nations Secretary-General, falls within the prerogative of Member States. Member States also determine the conditions of service of the executive heads. The Secretary-General and the executive heads of the specialized agencies and IAEA are selected through an election process, while the executive heads of the United Nations funds, programmes, other subsidiary organs and entities are appointed by the Secretary-General, in most cases in consultation with the executive boards and/or advisory committees of the organizations concerned and confirmed by the General Assembly. The selection of the Secretary-General is unique in comparison with that of the other executive heads, given the right of the permanent members of the Security Council to cast a negative vote against any candidate (*Veto*).

Based on findings identified by the Inspectors, this report contains 12 recommendations, of which one is addressed for action to the CEB, two to the Secretary-General and 10 to the legislative bodies of the United Nations system organizations. Out of the 10 recommendations addressed to the legislative bodies, one require action by the legislative bodies of the United Nations, the specialized agencies and IAEA, one by the legislative bodies of some specialized agencies and IAEA, and eight by both the legislative bodies of the United Nations, the specialized agencies and IAEA, as well as the executive boards and advisory committees of the United Nations funds, programmes, other subsidiary organs and entities.

Selection of executive heads in the United Nations funds, programmes, other subsidiary organs and entities

- In order to enhance transparency and ensure accountability in the appointment process of executive heads of the United Nations funds, programmes, other subsidiary organs and entities, the Secretary-General, in consultation with the organizations concerned, should issue vacancy announcements and establish terms of references for those posts, as well as institutionalize the screening and interview process.

- In order to enhance transparency of the appointment of executive heads of the United Nations funds, programmes, other subsidiary organs and entities, and to make the appointment process more inclusive of Member States, the Secretary-General should ensure that hearings/meetings with the shortlisted candidates be conducted by members of the executive boards, advisory committees and/or other legislative bodies of the United Nations funds, programmes, other subsidiary organs and entities.

Terms of appointment of executive heads of the United Nations system organizations

- The CEB, in consultation with ICSC and based on its comparative study of the salary scales and allowances of executive heads in the United Nations system, should develop common criteria for providing a basis for the determination of salary scales and allowances for executive heads of the specialized agencies and IAEA by their respective legislative bodies.

Recommendations for consideration by legislative organs

- **The legislative bodies of the United Nations, specialized agencies and IAEA, which have not yet done so, should conduct hearings/meetings with candidates running for the post of executive head, in order to enhance transparency and credibility of the selection process and to make the process more inclusive of all Member States.** (Recommendation 1)

- **The legislative bodies of the United Nations system organizations, which have not yet done so, should establish timelines for the selection process of their executive heads ending at least three months before the expiring date of the mandate of the incumbent, in order to ensure a smooth transition between the incumbent and the incoming executive head.** (Recommendation 4)

- **The legislative bodies of the United Nations system organizations should request all candidates for the post of executive head to submit, together with their curriculum vitae, a certificate of good health signed by a recognized medical facility.** (Recommendation 5)

- **The legislative bodies of the United Nations system organizations should adopt provisions to limit the terms of their executive heads to a maximum of two successive terms not exceeding five years each, if such provisions have not yet been adopted.** (Recommendation 6)

- **The legislative/governing bodies of the United Nations system organizations should condemn and prohibit unethical practices such as promises, favours, invitations, gifts, etc., provided by candidates for the post of executive head or their supporting governments during the selection/election campaign, in return for favourable votes for certain candidates.** (Recommendation 7)

- **The legislative bodies of the United Nations system organizations should adopt provisions comprehensively addressing conflicts of interest pertaining to, and/or wrongdoing/misconduct allegedly committed by,**

executive heads, if such provisions have not yet been adopted. (Recommendation 9)

- **The legislative bodies of the United Nations system organizations should direct the internal oversight or ethics office function, as appropriate, or JIU to conduct investigations into alleged cases of wrongdoing or misconduct, including retaliation and irregularities relating to financial disclosure statements, allegedly committed by executive heads of system organizations. The investigating authority should report the outcome of the investigation directly to the legislative body of the respective organization for action on the matter. The JIU, however, can undertake on its own initiative such investigations, should it so decide.** (Recommendation 10)

- **The legislative bodies of FAO, IAEA, ILO, IMO, UNESCO, UPU, WHO, and WIPO should establish a financial disclosure statement policy applicable to their executive heads.** (Recommendation 11)

- **The legislative bodies of the United Nations system organizations should establish rigorous policies regarding the acceptance of gifts, honours, decorations, etc., by their executive heads, where no such policies currently exist.** (Recommendation 12)

- **The legislative bodies of the United Nations system organizations should include in the terms of appointment of their executive heads a provision for a possible termination allowance based on ICSC standards, where such a provision is missing.** (Recommendation 13)

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ABBREVIATIONS

ACABQ	Advisory Committee on Administrative and Budgetary Questions
BOA	United Nations Board of Auditors
CEB	United Nations System Chief Executives Board for Coordination
CPC	Committee for Programme and Coordination
CTBTO	Comprehensive Nuclear-test-ban Treaty Organization
EOSG	Executive Office of the Secretary-General
FAO	Food and Agriculture Organization of the United Nations
FDS	financial disclosure statements
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICSC	International Civil Service Commission
IFAD	International Fund for Agricultural Development
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization
IOM	International Organization for Migration
ITC	International Trade Centre
ITU	International Telecommunication Union
JIU	Joint Inspection Unit
NAM	Non-Aligned Movement
NGOs	Non-governmental organizations
OHCHR	Office of the High Commissioner for Human Rights
OPCW	Organization on Prohibition of Chemical Weapons
OSCE	Organization for Security and Co-operation in Europe
P5	The five permanent members of the Security Council
RBM	results-based management
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UN-Habitat	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNRWA	United Nations Relief and Works Agency
UPU	Universal Postal Union
WB	World Bank
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization

I. INTRODUCTION

A. Objective and focus

1. As part of its programme of work for 2009, the Joint Inspection Unit (JIU), based on its initiative and that of the Board of Auditors (BOA), conducted an evaluation entitled "Selection and Conditions of Service of Executive Heads in the United Nations System Organizations".

2. The objective was to undertake an evaluation of the legal and institutional framework and practices in the selection and appointment of the Secretary-General of the United Nations and other executive heads in the United Nations system organizations, including their conditions of service, with the objective of assisting in the establishment of harmonized selection criteria that would ensure the highest quality of leadership and management at the level of the executive head of each organization with concomitant conditions of service.

3. Since in 2000 the JIU had prepared a report entitled "Senior-level Appointments in the United Nations, its Programmes and Funds" (JIU/REP/2000/3), and later in 2002 a note entitled "Senior-level Appointments in the United Nations Specialized Agencies and the International Atomic Energy Agency" (JIU/NOTE/2002/1), the present evaluation focuses only on the selection and conditions of service of executive heads in the United Nations system organizations.

4. In accordance with the internal standards and guidelines of the JIU and its internal working procedures, the methodology followed in preparing this report included a preliminary review, questionnaires, interviews, and in-depth analysis of policy documents and information gathered in this regard. Questionnaires were sent to a limited number of Member States of the United Nations system in all five regions and to JIU participating organizations. Interviews were held in Geneva, New York, Washington D.C., Vienna, Rome, Paris and Bern with officials of 26 organizations, of which 16 were JIU participating organizations,[1] and 10 were other international organizations.[2] In addition, meetings were conducted with officials of the BOA, the United Nations System Chief Executives Board for Coordination (CEB) Secretariat and the International Civil Service Commission (ICSC), as well as with officials of the Federal Ministry for European and International Affairs of Austria, the Ministry of Foreign Affairs of Italy, the Federal Department of Foreign Affairs of Switzerland and the United States Department of State.

5. Meetings with officials of non-JIU participating and other international organizations were conducted to obtain a comprehensive view of lessons learned and best practices with regard to the selection and condition of services of executive heads in those organizations. These meetings assisted the Inspectors in identifying findings and formulating respective recommendations for JIU participating organizations of the United Nations system. Comments on the draft report from the JIU participating organizations and officials and representatives interviewed have been sought and taken into account in finalizing the present report.[3]

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[1] Interviews were held with officials of the following JIU participating organizations: FAO, IAEA, ILO, ITU, UN, UNCTAD, UNDP, UNESCO, UNFPA, UNICEF, UNIDO, UNODC, WFP, WIPO, WHO and WMO.

[2] The other international organizations were CTBTO, IFAD, IFRC, IMF, IOM, ITC, OSCE, UNAIDS, World Bank and WTO.

[3] The United Nations Secretariat's Consolidated Response to the JIU Questionnaire and Draft Report are available, together with this report, on the JIU website (http://www.unjiu.org).

6. In accordance with article 11.2 of the JIU statute, this report has been finalized after consultation among the Inspectors so as to test its conclusions and recommendations against the collective wisdom of the Unit.

7. To facilitate the handling of the report and the implementation of its recommendations and the monitoring thereof, annex II contains a table indicating whether the report is submitted to the organizations concerned for action or for information. The table identifies those recommendations relevant to each organization, specifying whether they require a decision by the legislative body of the organization or can be acted upon by its executive head.

8. The Inspectors wish to express their appreciation to all those who assisted them in the preparation of this report, particularly to those who participated in the interviews and so willingly shared their knowledge and expertise.

B. Background

9. The selection of the executive heads of the United Nations system organizations, including the Secretary-General, falls within the prerogative of Member States. Member States also determine the conditions of service of executive heads.[3]

10. The terms of reference of executive heads in the United Nations system organizations are defined in the charter, statutes and/or conventions of the respective organizations. The Charter of the United Nations, for instance, in its Article 97, defines the Secretary-General of the United Nations as "the chief administrative officer of the Organization." Similar provisions are to be found in other United Nations system organizations, such as article 54 of the Convention on the Organization of International Civil Aviation (ICAO), stipulating that "The Council [of ICAO] shall ... [a]ppoint a chief executive officer who shall be called the Secretary General." At the International Atomic Energy Agency (IAEA), article VII, paragraph A, of the IAEA Statute states that "[t]he staff of the Agency shall be headed by a Director General ... [who] shall be the chief administrative officer of the Agency".

11. By such definitions, the mandates of the executive heads are transparently circumscribed to their main task, which is to serve the political will of the member States based on the resolutions and decisions adopted by the legislative bodies of the organization. In fulfilling their high-level functions, the executive heads of the United Nations system organizations are fully accountable to their main stakeholders, the Member States. At the International Labour Organization (ILO), given the tripartite nature of the organization, the Director General is accountable to the Governing Body, an organ composed of government representatives, employers and workers.

12. Accountability, the cornerstone of results-based management (RBM), requires clear objectives and responsibilities defined at all levels, from the roles of top and senior management down to the work plans of individual staff. Therefore, accountability should be applicable at all the hierarchy levels, from the top down; the executive heads and heads of major organizational units are the first to be held accountable for the results they are expected to deliver.[4]

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[3] The tripartite nature of ILO should be borne in mind.
[4] JIU/REP/2006/6, paragraphs 97 and 104.

13. Accountability includes: taking ownership of all responsibilities and honouring commitments; operating in full compliance with organizational regulations and rules; supporting staff; undertaking oversight and assuming responsibilities for delegated assignments, personal shortcomings and, where applicable, shortcomings in the work of the organization; and delivering outputs in line with the required objectives approved by the organization's stakeholders within the prescribed timeframes, cost and quality standards.[6]

14. The Secretary-General, as well as executive heads of the specialized agencies of the United Nations system and of the IAEA, are elected by the member States of each organization through a selection process in their respective legislative bodies that is regulated and codified in the Charter of the United Nations, the statutes and/or conventions and the rules of procedure of the legislative and policy bodies of the respective organizations. The conditions of service of the executive heads are also determined by the legislative bodies of their respective organizations[7] through the pertinent resolutions and decisions. In contrast, the executive heads of United Nations funds, programmes, other subsidiary organs and entities are appointed by the Secretary-General,[8] in most cases in consultation[9] with the executive boards of the funds or programmes concerned, and confirmed by the General Assembly.[10] Executive heads of United Nations funds, programmes, other subsidiary organs and entities are appointed at the Under-Secretary-General level.

15. There are variances regarding the selection process of the executive heads in the United Nations system organizations, including: the necessary majority requirements for the election; the length and the number of terms; clear timelines for selection; the existence of criteria and/or terms of reference to be met by the candidates running for the post of executive head; hearings and interviews with candidates by member States during a session of the organization's legislative body; specific provisions for internal candidates; and mandatory or desirable age limits applicable to candidates. Similarly, differences exist concerning the conditions of service, such as salary scales and granted allowances; the application of staff regulations and rules to executive heads; the requirement for executive heads to undergo a medical examination prior to selection or appointment; provisions for conflicts of interest or wrongdoing misconduct by the executive head; the signing of a code of conduct abiding by a code of ethics and the submission of financial disclosure statements; procedures for the receipt of gifts, honours and decorations; and performance appraisals of the executive head.

16. Member States have referred in various United Nations organizations to the necessity of ensuring high standards of professional performance for executive heads, including administrative, managerial and leadership qualities. Transparency of the selection procedures of executive heads, equal opportunities for all candidates running for the post of executive head, and integrity during the election process were also called for, together with more

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[6] See "Framework for human resources management", A/55/30, annex II, p. 43.

[7] For the particular case of ILO, see supra footnote 4.

[8] Except for the United Nations High Commissioner for Refugees, who "shall be elected by the General Assembly on the nomination of the Secretary-General" according to General Assembly Resolution 428 (V) of 14 December 1950, Annex, Chapter III, para. 13. The candidate for the post of executive head of WFP is jointly proposed by the Secretary-General and the Director-General of FAO (see WFP General Regulations and Rules, article VII).

[9] No consultations with the respective executive heads take place at ITC, UNCTAD, UNEP, UNHCR and UNODC. For further details regarding the term "consultation", see infra para. 44.

[10] All executive heads of United Nations funds, programmes, other subsidiary organs and entities are confirmed by the General Assembly, except for the cases of ITC and UNODC. The Executive Director of WFP is appointed by the Secretary-General and the Director General of FAO after consultation with the Executive Board of the Programme.

coherence across the United Nations system organizations in the process of selection and conditions of service of executive heads.

17. There have been discussions, internal reviews and reform processes in several United Nations system organizations with regard to the selection of executive heads. Furthermore, the Secretary-General has put in place a new selection process for United Nations senior officials, including executive heads of United Nations funds, programmes and other United Nations subsidiary organs, aimed at improving the transparency of the selection process against predetermined criteria, in an attempt to effect a much wider search for the best qualified candidates.

II. SELECTION OF EXECUTIVE HEADS IN THE UNITED NATIONS SYSTEM ORGANIZATIONS

18. Given the different selection processes and structures of JIU participating organizations, this evaluation deals with two categories of organizations: (1) the United Nations, specialized agencies and IAEA; and (2) United Nations funds, programmes, other subsidiary organs and entities. The Secretary-General of the United Nations is elected through a selection process by the Security Council and the General Assembly; executive heads of specialized agencies and IAEA are elected by the legislative bodies of their respective organizations; and executive heads of the United Nations funds, programmes, other subsidiary organs and entities, except in the case of the United Nations High Commissioner for Refugees,[11] are appointed by the Secretary-General and in most cases confirmed by the General Assembly.

19. The selection process of the Secretary-General, however, is unique in comparison with the selection process for heads of other United Nations system organizations, given that the decision taken in the Security Council to recommend a candidate to the General Assembly "shall be made by an affirmative vote of nine members including the concurring votes of the permanent members [of the Security Council]," as stipulated in paragraph 3 of Article 27 of the Charter of the United Nations. The unique selection process of the Secretary-General is further justified by the Secretary-General's political functions emanating from Article 99 of the Charter, which transcend his administrative role.[12]

20. Nonetheless, the common issues pertaining to the selection of executive heads are dealt with together in this report, with a view to enhancing system-wide coherence, based on best practices and lessons learned. The uniqueness of the selection process of the Secretary-General, as well as the different selection processes and structures of the JIU participating organizations, are given due regard in their relevant contexts.

A. Transparency of the selection process

1. Transparency of the selection process of the Secretary-General of the United Nations and executive heads of the specialized agencies and IAEA

21. The process for appointing the Secretary-General is based on Articles 27 and 97 of the Charter, supplemented by rule 48 of the Provisional Rules of Procedure of the Security Council and rule 141 of the Rules of Procedure of the General Assembly.[13]

22. The General Assembly has outlined the terms of appointment of the Secretary-General in its resolution 11 (I), adopted on 24 January 1946.[14] The resolution, among other things, stipulates that the Secretary-General is appointed for a five-year term, open for a further term of five years, with the understanding that the Security Council and the Assembly are free to modify the term for future Secretaries-General in the light of experience. The resolution

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[11] See supra footnote 8.

[12] See Bruno Simma, *The Charter of the United Nations: A Commentary*, second edition, vol. II, Munich: C.H. Beck, 2002, p. 1193.

[13] Ibid., pp. 1191-1200.

[14] See Annex I of this report. The terms of appointment of the first Secretary-General were subsequently confirmed by the General Assembly for the succeeding Secretaries-General; see Assembly resolutions 709 (VII) of 7 April 1953 and 1229 (XII) of 14 December 1957.

further sets out the salary of the Secretary-General and contains provisions on voting in the Security Council and the General Assembly.

23. Complementing General Assembly resolution 11 (I), Assembly resolutions 51/241 of 31 July 1997 and 60/286 of 8 September 2006 contain in their annexes further provisions relevant to the selection process of the Secretary-General.[15] These two resolutions were accompanied by an ongoing debate among Member States on the selection process of the Secretary-General, i.e. in the Open-ended High-level Working Group on the Strengthening of the United Nations System,[16] and the two ad hoc working groups on the revitalization of the General Assembly.[17]

24. The current Ad Hoc Working Group on the Revitalization of the General Assembly has submitted its report[18] for endorsement to the Assembly at its sixty-third session. The report contains in its annex an updated inventory on the status of implementation of the provisions of Assembly resolutions 51/241 and 60/286 relevant to the selection of the Secretary-General.[19] This inventory shows that some of the provisions are of a general nature and do not require specific actions, and some of the remaining ones are being implemented while others are not.[20] Consequently, many participants in the Ad Hoc Working Group on the Revitalization of the General Assembly "stressed the importance of implementing existing resolutions on the issue and also emphasized the inadequacy of the past selection processes and the need for improvement."[21] Accordingly, the draft resolution[22] submitted by the working group for adoption by the Assembly at its sixty-fourth session, reaffirms the respective resolutions,[23] including the provisions relevant to the selection of the Secretary-General, and stresses the importance of their implementation.

25. The Inspectors noted that there was consensual understanding among Member States that the selection of the Secretary-General is unique in comparison with those of other United Nations system organizations, given the leading role that the five permanent members of the Security Council (P5) play in the selection process, owing to their right to oppose any candidate. However, divergent views were expressed by Member States on various aspects of the selection process.

26. The Inspectors observed that an overwhelming majority of Member States were supporting the call for more transparency and credibility of the selection process of the Secretary-General to be inclusive of all Member States. While bearing in mind the role of the principal organs as enshrined in Articles 7 and 97 of the Charter, many Member States believed that the General Assembly, representing the whole United Nations membership, should be more involved in the selection, i.e. at the early stage of the process when

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[15] Assembly resolution 51/241, annex, paras. 56-61 and resolution 60/286, annex, paras. 17-22. See also Annex I of this report.
[16] Established by Assembly resolution 49/252 of 14 September 1995.
[17] Established by Assembly resolutions 59/313 of 21 September 2005 and 62/276 of 26 September 2008, respectively.
[18] A/63/959.
[19] Ibid., annex (cluster II: selection of the Secretary-General).
[20] See updated inventory in A/63/959, annex (cluster II: selection of the Secretary-General).
[21] A/63/959, para. 32.
[22] Ibid., para. 55.
[23] Assembly resolutions 51/241 and 60/286.

identifying candidates[24] and through formal hearings or meetings with candidates at the Assembly.[25]

27. Many Member States also expressed the view that the Security Council may change its practice in such a way that it may recommend more than one candidate to the General Assembly for its consideration.[26] Other issues raised by Member States included the possible need for more detailed criteria to be met by candidates for the post of Secretary-General, including minimum and maximum age limits for candidates, as well as for more specific timelines for the selection process.

28. Based on the provisions of the Charter, the rules of procedures of both the Security Council and the General Assembly, as well as on the pertinent Assembly resolutions, the first and important stage of the selection of the Secretary-General takes place at the Security Council in closed meetings, after the submission of candidatures had been made in the form of letters, containing a curriculum vitae of each candidate, to the President of the Security Council. Given the provisions of Article 27, paragraph 3 of the Charter, the P5 play a leading role in the selection, such as in informal consultations among members of the Security Council if consensus cannot be reached, on the candidate to be recommended to the General Assembly for its endorsement. Member States that are not members of the Security Council are not involved at this first stage of the selection process; in the best case scenario, they are briefed on the selection through their regional groups.

29. This current practice had been the subject of discussion and debate among Member States in the Open-ended High-level Working Group on the Strengthening of the United Nations System, and based on these debates, the General Assembly has adopted, without a vote, resolutions 51/241 and 60/286, which contain the following relevant provisions:

- "[The General Assembly e]mphasizes, bearing in mind the provisions of Article 97 of the Charter, the need for the process of selection of the Secretary-General to be inclusive of all Member States and made more transparent and that, in the course of the identification and appointment of the best candidate for the post of Secretary-General, due regard should be given to regional rotation and gender equality, and invites the Security Council to regularly update the General Assembly on the steps it has taken in this regard (…);[27]

- Encourages, without prejudice to the role of the principal organs as enshrined in Article 97 of the Charter, the President of the General Assembly to consult with Member States to identify potential candidates endorsed by a Member State and, upon informing all Member States of the results, to forward those results to the Security Council;[28]

- Also encourages formal presentation of candidatures for the position of Secretary-General in a manner that allows sufficient time for interaction with Member States, and requests candidates to present their views to all States members of the General Assembly."[29]

30. Only the provisions of resolution 60/286, annex, paragraph 18, are being implemented on an ongoing basis, not the provisions of paragraphs 19 and 20 of that resolution. Hence, the

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[24] See also General Assembly resolutions 60/286, annex, para. 19 and 51/241, annex, para. 60.
[25] Ibid., annex, para. 20.
[26] See also XV Summit of Heads of State and Governments of the non-aligned Movement (NAM), Sharm el Sheikh, Egypt, July 2009, Final Document (NAM2009/FD/Doc.1), paras. 63-65.
[27] Assembly resolution 60/286, annex, para. 18; also in resolution 51/241, annex, paras. 56 and 59.
[28] Resolution 60/286, annex, para. 19; also in resolution 51/241, annex, para. 60.
[29] Resolution 60/286, annex, para. 20; also in resolution 51/241, annex, para. 60.

current Ad Hoc Working Group on the Revitalization of the General Assembly stressed the importance of the full implementation of the relevant General Assembly resolutions.[30]

31. The Inspectors learned that there were different views on the matter of transparency of the selection process among Member States. Many Member States strongly supported the call for the selection of the Secretary-General to become more transparent, as this would yield a more credible, efficient and democratic selection process. Other Member States claimed that there was no need for more transparency, as too much transparency may not lead to a more credible selection process, and may hamper decision-making. Furthermore, it was expressed by these latter Member States that, in practice, most of the candidates running for the post of Secretary-General are already known to the diplomatic community and to Member States.

32. In particular, the proposal of having hearings/meetings with candidates in the General Assembly was welcomed by many Member States, provided that it would be in full compliance with the roles of the principal organs as enshrined in Articles 7, 27 and 97 of the Charter. Greater transparency leads to better and fuller involvement of the whole United Nations membership in the process. In this regard, the Heads of State and Government of the Non-Aligned Movement (NAM) have requested in the final document of the NAM Summit held in July 2009 that during the selection process of the Secretary-General, the President of the General Assembly convene a meeting of the Assembly for an exchange of views and dialogue with all candidates.[31]

33. Specialized agencies of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the World Intellectual Property Organization (WIPO), have introduced hearings/meetings with candidates running for the post of executive head with member States at closed meetings, formal or informal, of their legislative bodies as an integral part of the selection process. The hearings/meetings are generally composed of a presentation by each candidate, followed by questions and answers by members of the legislative body of the respective organization. Other organizations, including the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), the International Monetary Fund (IMF), the World Bank and the World Trade Organization (WTO) also have formal or informal hearings/meetings with candidates during the selection process by their legislative bodies.

34. The Inspectors are of the opinion that the practice of holding hearings/meetings during the selection process between candidates and members of the organizations' legislative bodies is considered useful and best practice. It allows member States to get to know better the candidates and their future vision for the organization. It also provides the opportunity for interaction between the member countries and candidates through questions and answers. Hence, through this interaction, it increases the transparency and credibility of the selection.

35. While recognizing the fact that the election of the Secretary-General is unique in nature in comparison with the election of executive heads in other United Nations system organizations, the Inspectors nevertheless believe that prevailing practice in other system organizations is also suitable for the election of the Secretary-General. This is supported by

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[30] A/63/959, paras. 32 and 55; see also its annex (cluster II: selection of the Secretary-General).

[31] XV Summit of Heads of State and Governments of the Non-Aligned Movement, Sharm el Sheikh, Egypt, July 2009, Final Document, paras. 63-65; para. 64 of the document states: "Recalling the role of the principal organs as enshrined in Article 97 of the Charter, the Heads of State and Government called upon the President of the General Assembly to consult with Member States to identify potential candidates endorsed by a Member State and, upon informing all Member States of the results, forward these results to the Security Council."

General Assembly resolution 60/286, which "encourages formal presentation of candidatures for the position of Secretary-General in a manner that allows sufficient time for interaction with Member States, and requests candidates to present their views to all States members of the General Assembly," without prejudice to the provisions of Articles 27 and 97 of the Charter as well as rule 48 of the Provisional Rules of Procedure of the Security Council and rule 141of the Rules of Procedure of the General Assembly.[32]

36. The implementation of the following recommendation is expected to enhance effectiveness and efficiency of the selection process of the Secretary-General and of executive heads of the specialized agencies and IAEA based on best practice and lessons learned.[33]

Recommendation 1

The legislative bodies of the United Nations, specialized agencies and IAEA, which have not yet done so, should conduct hearings/meetings with candidates running for the post of executive head, in order to enhance transparency and credibility of the selection process and to make the process more inclusive of all Member States.

2. Transparency of the selection process of executive heads of the United Nations funds, programmes, other subsidiary organs and entities

37. Executive heads of the United Nations funds, programmes, other subsidiary organs and entities, except for UNHCR,[34] are appointed by the Secretary-General, in most cases in consultation with the executive boards or advisory committees/bodies of the fund, programme or subsidiary organs concerned. At UNCTAD, UNDP, UNEP, UN-Habitat and UNHCR, an appointment or nomination by the Secretary-General needs to be confirmed by the General Assembly. The appointment of the executive heads of ITC[35] and UNODC does not require confirmation by the General Assembly. No prior consultation with the UNCTAD Board is required for the appointment of its Secretary-General, only confirmation by the General Assembly. A special case is UNAIDS, whose Executive Director is appointed by the Secretary-General on recommendation of a panel of sponsoring organizations.[36]

38. The Secretary-General put in place in 2005 a new selection process aimed at ensuring a much wider search for qualified candidates and allowing for a rigorous, open process against predetermined criteria for all senior United Nations officials, including executive heads of United Nations funds, programmes, other subsidiary organs and entities. These new procedures are discretionary, and may include: dispatching of a circular to Member States containing a timeline for the selection and criteria to be met by candidates; public advertisement, setting out the requirements for the position; interviews by an ad hoc panel composed of senior United Nations officials in order to establish a shortlist of best qualified candidates for consideration by the Secretary-General; and a final interview of the shortlisted candidates by the Secretary-General himself before the final decision. The Secretary-General

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[32] See Assembly resolution 60/286, annex, para. 20; also in resolution 51/241, annex, para. 60.
[33] See recommendation 3, which is applicable to the United Nations funds, programmes, other subsidiary organs and entities.
[34] See supra footnote 8.
[35] The Executive Director of ITC is appointed jointly by the Secretary-General of UNCTAD and the Director-General of WTO.
[36] ILO, UNDP, UNFPA, UNESCO, UNHCR, UNICEF, UNODC, WFP, WHO and the World Bank.

has in all cases the ultimate authority to make the final decision, taking into account various factors, including geographical distribution and gender balance.

39. The Inspectors were informed that a majority of Member States welcomed the introduction of these new procedures, as it led to increased transparency of the selection process. In particular, it was mentioned that the establishment of criteria, such as required competencies, qualifications and experience, expected to be possessed by all candidates, was an important step forward to assert more credibility to the selection process, as was the new practice to issue vacancy announcements, done in the recent selections for the posts of the Administrator of UNDP and Executive Director of WFP, facilitating the search for the best qualified and competent candidates. Furthermore, the introduction of a two-step interview process, involving first an ad hoc panel of senior officials and subsequently the Secretary-General himself, was another step forward.

40. The Inspectors were informed that there is a lack of clarity, *inter alia*, concerning: criteria for the composition of the ad hoc panel and its chair and the applicable procedures for its establishment; the criteria and procedures to be applied during interviews, including those conducted by the Secretary-General; and criteria and procedures in place for the pre-screening of candidates. It was further mentioned that criteria and terms of reference for the posts of executive head have yet to be established for all United Nations funds, programmes, other subsidiary organs and entities.

41. The Inspectors concur with the critical points raised above. They believe that the new selection procedures have contributed to a certain extent to greater accountability and transparency of the selection process; however, more needs to be done. They are also of the opinion that vacancy announcements, in addition to the circular letter sent to Member States, should be issued in future on a consistent basis, in order to facilitate the search for the most competent and qualified candidates. The discretionary and independent authority of the Secretary-General to make the final selection decision needs to be taken into account.

42. The implementation of the following recommendation is expected to enhance effectiveness, efficiency and transparency of the selection process, thus ascertaining its credibility.

Recommendation 2

In order to enhance transparency and ensure accountability in the appointment process of executive heads of the United Nations funds, programmes, other subsidiary organs and entities, the Secretary-General of the United Nations, in consultation with the organizations concerned, should:

(a) Issue vacancy announcements for all the posts of executive head on the organization's website and in public media, such as relevant journals, periodicals and newspapers;

(b) Establish criteria and terms of references, including required competencies, qualifications and experience, expected to be possessed by candidates for the said posts of executive head;

(c) Establish rigorous criteria and procedures for screening candidates for the posts of executive head of the United Nations funds, programmes, other subsidiary organs and entities, and for interviews with candidates conducted by the ad hoc panels and by the Secretary-General;

43. Another issue raised was the definition and understanding of the term "consultation", in the context in which the executive head is appointed by the Secretary-General "in consultation with the executive board" or with the advisory committee or body, as in the instance of OHCHR, UNDP, UNEP, UNFPA, UN-Habitat, UNICEF, UNRWA and WFP.

44. The Inspectors were informed that various understandings/interpretations of the term "consultation" in the context of the selection process exist among members of the executive boards of some United Nations funds/programmes on the one hand, which tend to understand the term consultation in a broader sense, such as "agreement or consensual understanding", and the United Nations Secretary-General on the other. In this context, WFP and the United Nations Office of Legal Affairs sent a Note to the Executive Board of WFP, in which it was indicated that the expression "in consultation with" and "after consultation with" in the practice of the United Nations is the process by which the views of the parties consulted are sought or ascertained and that it must be distinguished from "agreement", "concurrence" or "consent".[37]

45. In practice, the Secretary-General seeks the views of the executive board of the relevant fund or programme prior to the appointment of an executive head, by sending a letter to the chairperson of the relevant executive board. Informal consultations also take place throughout the whole selection process, with the expectation that the candidate would not be rejected, bearing in mind the prerogative of the Secretary-General to make the final selection decision.

46. The Inspectors are of the opinion that real consultation cannot mean mere information, i.e. notification, through a communication by the Secretary-General to the member States on the executive boards or advisory committees of the funds, programmes and subsidiary organs concerned. They therefore believe that, in order to enhance transparency and to make the selection process more inclusive of all member States, hearings/meetings should be conducted with shortlisted candidates for the post of executive head in those organizations, without prejudice to the authority of the Secretary-General to appoint the executive heads of the United Nations funds, programmes and subsidiary organs.

47. The implementation of the following recommendation is expected to improve the transparency and effectiveness of the selection process and to make it more inclusive of the main stakeholders, the Member States.

Recommendation 3

In order to enhance transparency of the appointment of executive heads of the United Nations funds, programmes, other subsidiary organs and entities, and to make the process more inclusive of Member States, the Secretary-General should ensure that hearings/meetings be conducted with the shortlisted candidates by members of the executive boards, advisory committees and/or the other legislative bodies of the United Nations funds, programmes, other subsidiary organs and entities.

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[37] See supra footnote 3, JIU/REP/2009/8-Comments of the United Nations Secretariat pp.16-17.

B. Criteria for candidates

48. The United Nations Preparatory Commission had, in its report,[38] set out some general criteria for the election of the Secretary-General, such as skills and qualities to be possessed by candidates, including administrative and executive qualities to integrate the activity of the whole complex of United Nations organs; leadership qualities to determine the character and efficiency of the Secretariat; skills to lead a team from many different countries and build the necessary team spirit; moral authority to model the independent role required by Article 100 of the Charter of the United Nations; the ability to play a role as mediator; the capacity to act as an informal adviser or confidant to many governments; the highest qualities of political judgment, tact and integrity; communication skills to represent the United Nations to the public at large; and overall qualities which demonstrate to the world at large that the candidate personally "embod[ies] the principles and ideals of the Charter to which the Organization seeks to give effect".

49. The General Assembly, however, decided not to take up those criteria elaborated by the Preparatory Commission, except for what is contained in its resolution 60/286, which "emphasizes the importance of candidates for the post of Secretary-General possessing and displaying, inter alia, commitment to the purposes and principles of the Charter of the United Nations, extensive leadership, and administrative and diplomatic experience."[39] Hence, no further, detailed criteria are required to be met by candidates for the post of Secretary-General.

50. The Inspectors noted that Member States consulted had different views on this issue. Some Member countries felt that the criteria outlined in General Assembly resolution 60/286 were too general and should be amended by more detailed criteria, such as required competencies, qualifications and experience, as this would contribute to a more transparent selection process and would facilitate the search for the best qualified and experienced candidates. Other countries, however, preferred not to add any requirements to those already existing, in order to prevent the selection process from becoming too rigid, thus ensuring enough flexibility.

51. The situation with regard to criteria for executive head candidates varies across the United Nations system organization. Some organizations, such as IAEA, ILO, IMO, ITU and WIPO, do not have any criteria. Others have criteria in place, but with varying degrees of detail, spanning from general criteria, similar to those existing for the selection of the Secretary-General of the United Nations, to more detailed criteria, which include specific competencies, qualities and experiences correlating with the mandates of the respective organizations. For instance, at WHO, the Executive Board resolved that the candidate nominated for the post of Director-General should possess "(1) a strong technical and public health background and extensive experience in international health; (2) competency in organizational management; (3) proven historical evidence for public health leadership; (4) sensitiveness to cultural, social and political differences; (5) a strong commitment to the work of WHO; (6) the good physical condition required of all staff members of the Organization; and (7) sufficient skill in at least one of the official and working languages of the Executive Board and Health Assembly."[40] Similar provisions exist at ICAO and UNESCO.[41] At the Food and Agriculture Organization of the United Nations (FAO), the

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[38] See Report of the United Nations Preparatory Commission PC/20, 23 December 1945, paras. 12-19.
[39] A/RES/60/286, annex, para. 22.
[40] WHO Executive Board, resolution EB97.R10.
[41] See for UNESCO, document 180 EX/28, Appendix; for ICAO, Doc 7559/8–Rules of Procedure for the Council, Appendix C.

General Conference is considering desirable qualifications for the post of Director-General at its 2009 session.

52. The Inspectors observed that there is a precedent within the United Nations system organizations to establish criteria for candidates running for the post of executive head, set by organizations such as UNESCO and WHO, at which the selection process had been under consideration by their legislative bodies. The Inspectors are also aware that it is easier for the specialized agencies to require specific technical skills in view of their specialized mandates, and that, in contrast, any criteria established for the Secretary-General of the United Nations would need to take into account the broad-ranging nature of his or her mandate, role and responsibilities.

53. **The Inspectors believe that the adoption of such criteria by the legislative bodies of the United Nations system organizations could enhance accountability, efficiency, effectiveness and transparency of the selection process and the search for the best qualified candidates. However, the establishment of such criteria has to be balanced against the need for enough flexibility of the selection process.**

C. Timelines for the selection process

54. The General Assembly, in paragraph 21 of the annex to its resolution 60/286, states: "[The Assembly] recalls paragraph 61 of its resolution 51/241, in which it is stated that, in order to ensure a smooth and efficient transition, the Secretary-General should be appointed as early as possible, preferably no later than one month before the date on which the term of the incumbent expires."

55. The Inspectors observed that many United Nations system organizations[42] do have detailed timelines for the selection of their executive heads, which are communicated to member States through the circular inviting them to present candidatures. These timelines are established by the legislative bodies of the respective organizations, either for the selection process in general or on an ad hoc basis for the selection of a new executive head.

56. The Inspectors noted that different views on the advantage and disadvantage of having clear timelines were expressed. On the one hand, it was mentioned that the adoption of clear timelines for the selection process would be advisable, in particular to minimize the possibility that a new executive head has not yet been selected when the mandate of the incumbent expires and to allow for an appropriate transitional period. On the other hand, it was argued that there was no need for clear timelines, as member States are aware of the existing requirements, including the terms of office of the executive heads, and that any additional requirements for the selection, bearing in mind the political dimension of the selection process, would not leave sufficient room for flexibility and would make the selection process too rigid.

57. The Inspectors are of the opinion that the establishment of clear timelines for the selection process would minimize any risk of delays in appointing a new executive head. This would allow for a smooth transition between the incumbent and incoming executive head. It would further give the newly elected executive head adequate time to disengage him- or herself from previous functions and to facilitate his or her relocation, and that of his or her family, to the new duty station prior to the start of the mandate. Such timelines may be established on an ad

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[42] United Nations system organizations that have detailed timelines for the selection of their executive heads include FAO, IAEA, ILO, ITU, UNESCO, UNIDO, WHO and WIPO.

hoc basis by the legislative bodies of the organizations, which also have the possibility to modify the timelines during the selection process as they may deem appropriate in the light of experience.

58. The implementation of the following recommendation is expected to facilitate a timely selection and a smooth transition between the incumbent and incoming executive head based on best practice and lessons learned.

Recommendation 4

The legislative bodies of the United Nations system organizations, which have not yet done so, should establish timelines for the selection process of their executive heads ending at least three months before the expiring date of the mandate of the incumbent, in order to ensure a smooth transition between the incumbent and the incoming executive head.

D. Age requirements/limitations for candidates

59. There are no age requirements or limitations, such as a desirable minimum or maximum age, for candidates running for the post of Secretary-General of the United Nations. This situation also prevails at other United Nations system organizations, which also do not have such age requirements. Executive heads, as political appointments and elected by Member States, are not subject to the mandatory retirement provisions applicable to staff members of their organizations. At some of the United Nations system organizations, such as IAEA, UNESCO and WHO, proposals for age requirements had been discussed by their legislative bodies, but none were adopted.

60. The Inspectors learned that IMF and the World Bank (according to their by-laws) have established age requirements for their executive heads, instituting that they should not exceed the age of 65 years when starting their first mandate, and cannot stay in office beyond the age of 70. At the World Bank, the age limit has recently been under discussion, in an ad hoc working group. An age limitation is a requirement in the International Federation of Red Cross and Red Crescent Societies (IFRC) for its executive head.

61. Different views were expressed on this issue. On the one hand, it was mentioned that age requirements similar to those of IMF and World Bank may be also suitable for United Nations system organizations for the same reasons, i.e. to ensure that the executive heads have the necessary physical and mental fitness with which to perform their duties. However, many were not in favour of fixing either minimum or maximum age requirements. It was stated that the candidate's age should be one of the various criteria to be considered in the selection process. It was also stated that age alone is not a suitable criterion to assess the fitness of a leader. Further, it was argued that additional requirements would make the selection process too rigid and not leave room for flexibility. Finally, reference was made to the practice with regard to the appointment of Special Representatives of the Secretary-General, in which no age limitation exists. However, in the view of the Inspectors, an analogy between the latter and the Secretary-General is inappropriate, given the differences in their mandates and the scope of their respective responsibilities.

62. **The Inspectors believe that there are valid arguments both for and against having age requirements applicable to candidates. However, the Inspectors are of the view that the main argument for maximum age requirements is to "ensure" the adequate physical and mental fitness of candidates. This could be better addressed through mandatory**

medical examinations of candidates before the start of the election process (see recommendation 5).

E. Medical examination of candidates

63. In most organizations, executive heads undergo a mandatory medical examination after their election and upon entry on duty. In some organizations, such as CTBTO and UNIDO, executive heads are further subject to mandatory regular medical checks, like other staff members of the organization. At other organizations (e.g. IAEA), the executive head is not subject to any medical examination. A special case in this respect is WHO, which, upon a decision of its Executive Board, requires all candidates for the post of Director-General to undergo a medical examination at WHO's medical service prior to the election process. The rationale behind that procedure is to avoid a case in which the elected executive head would appear to be medically unfit to adequately perform his or her functions.

64. Different views were expressed on whether this procedure could be considered a best practice. On the one hand, it was argued that it would fall within the due diligence of the nominating governments to ensure that their candidates are in good health. It was also stated that at most of the United Nations system organizations, the executive head is subjected to a medical examination after their election and upon entry on duty, and, in some others even annually.

65. On the other hand, it was assumed that the situation of the election of the executive head could not be compared with that of staff member appointments, given the complexity, length and political character of the election process for the post of executive head. The Inspectors concur with the view that it would be advisable to adopt the best practice of WHO in other United Nations system organizations. Thus all candidates for the post of executive head should undergo a medical examination prior to the election process.

66. The implementation of the following recommendation is expected to facilitate the election or re-election of a healthy and fit candidate through a medical examination prior to the candidate's selection, based on best practice.

Recommendation 5

The legislative bodies of the United Nations system organizations should request all candidates for the post of executive head to submit, together with their curriculum vitae, a certificate of good health signed by a recognized medical facility.

F. Regional rotation and gender balance

67. According to General Assembly resolution 60/286, "[The Assembly] emphasizes (...) that, in the course of the identification and appointment of the best candidate for the post of Secretary-General, due regard should be given to regional rotation and gender equality."

68. The Inspectors were informed that there is an informal understanding among Member States with regard to regional rotation. With respect to appointments of executive heads of United Nations funds and programmes, other subsidiary organs and entities, due regard to regional rotation and gender balance needs to be effected, as applicable, in accordance with the specific requirements established by the General Assembly. It was brought to the attention of the Inspectors that geographical balance should be achieved not only for the post of United

Nations Secretary-General but also for the posts of executive head in the United Nations system organizations as a whole (as well as for executive head posts of other international organizations).

69. At the specialized agencies and IAEA, their statutes and the related legislative issuances of their legislative bodies do not contain provisions for regional rotation or gender equality with regard to the selection of the executive head. The exception is ITU, where "due consideration should be given to equitable geographical distribution amongst the regions of the world"[43] when selecting the ITU Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux. However, despite the absence of such provisions, the Inspectors were informed that there is an understanding among member States with regard to regional rotation, and, in principle, also with regard to gender equality, similar to that in the selection of the Secretary-General of the United Nations.

70. The Inspectors observed the following practices as far as the principle of regional rotation is concerned: while the executive heads of IMF, UNDP, UNICEF, the World Bank and WFP have always been selected from developed countries, those of UNCTAD and UNIDO have always been selected from developing countries. Currently only two executive heads of the specialized agencies are women (UNESCO and WHO). In some organizations, such as FAO, IAEA, ICAO, ILO, IMO, ITU, the United Nations, UNIDO, UPU, WMO and WIPO, the executive heads have always been men. The executive heads of the United Nations funds, programmes, other subsidiary organs and entities, in the past, have been predominantly men; however the majority of current executive heads is female (OHCHR, UNDP, UNFPA, UN-Habitat, UNICEF, UNRWA and WFP).

71. The representatives of some Member States stated to the Inspectors that equitable geographical and gender balance is important but, at the same time, the nationality and gender of candidates are only two factors among various other relevant selection criteria. It is essential that equitable geographical and gender balance is achieved not only with a view to a specific organization but for the United Nations system organizations as a whole. Any country or group of countries should not have an exclusive right to nominate the executive head of any specific organization. Furthermore, the limitation of terms to a maximum of two successive terms, as it is the rule in many United Nations system organizations, should be strictly observed so as to allow for adequate regional and gender balance among executive heads. Finally, other Member countries proposed the consideration of limiting the number of terms for executive heads to one term.

72. The length of the term of the executive head of United Nations system organizations varies, ranging from three years (ICAO) to five years, with the majority of the organizations having either a four-year (e.g. FAO, IAEA, IMO, ITU, UNESCO, UNIDO and WIPO) or five-year term (ILO, United Nations, UPU, WHO). The majority of the organizations have a term limit of two successive terms (three at WMO). At FAO, IAEA and ILO, whose executive heads have been re-appointed for a third term, the maximum number of successive terms has since been amended to two by the legislative/governing bodies of FAO[44] and ILO[45] in 2009.

73. At the United Nations funds, programmes, other subsidiary organs and entities, some organizations such as UNCTAD, UNHCR and WFP have established, either based on their statutes or through decisions or resolutions of their legislative bodies, a term limit of two

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[43] Article 9, paragraph 1.b of the ITU Constitution.
[44] See document C 2009/LIM/8, pp. 3 and 4.
[45] See document GB.306/PFA/17, paras. 1 and 2.

terms. Other organizations do not have formal limitations regarding the number of terms. Among those, some (e.g. UNDP, UNRWA) have established a practice that no executive head should serve more than two successive terms, while others have not. The length of the terms of office for executive heads of United Nations funds, programmes, other subsidiary organs and entities is either four or five years.

74. The Inspectors realized, through a survey of past practice, that geographical rotation and gender balance have not generally been observed in the appointment of executive heads in the United Nations system organizations. Political orientation and realities have still prevailed over geographical rotation and gender balance in the selection process.

75. While bearing in mind the different structures and periodicity of the organizations' legislative body sessions, the Inspectors believe that all organizations should limit their executive heads to a maximum of two successive terms, with each term not exceeding five years, as this would allow for adequate regional and gender balance among the executive heads as well as inject new vision in the management and leadership of the organizations.

76. The implementation of the following recommendation is expected to enhance coherence in regional rotation and gender balance among executive heads of the United Nations system organizations.

Recommendation 6

The legislative bodies of the United Nations system organizations should adopt provisions to limit the terms of their executive heads to a maximum of two successive terms not exceeding five years each, if such provisions have not yet been adopted.

G. Internal candidates

77. Internal candidates running for the post of executive head may misuse or abuse their functions and resources (e.g. contacts, travel, office facilities, staff, etc.) to serve their own campaigns. This situation would not only be unethical but would also result in unequal opportunities between internal and external candidates and may lead to staff division.

78. While the United Nations system organizations' staff regulations and rules, code of conduct, and other administrative issuances cover conflict-of-interest situations pertaining to internal candidates deciding to campaign for executive head positions, none of the United Nations system organizations, except for ITU, have formal procedures for internal candidates running for the post of executive head, including any mandatory or discretionary requirement for internal candidates to suspend their duties during their campaigns with a view to avoiding any potential conflict of interest or the misuse of their functions, staff and office facilities for their campaigns.[40]

79. Nevertheless, despite the absence of such procedures for internal candidates, there have been cases in some United Nations system organizations (such as in the United Nations,

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[40] At ITU, according to Regulation XI.2 of its staff regulations and rules, "[any] appointed staff member standing for election to one of the elected official posts [including that of ITU Secretary-General,] ... shall automatically be placed on special leave without pay by the Secretary-General, ... with effect from the day following the date of submission of his candidature to the Secretary-General."

UNESCO and WHO), where, on an ad hoc basis, internal candidates running for the post of executive head took a voluntary leave of absence and/or discontinued their involvement in the activities of the organizations.

80. The Inspectors were informed that there are differing views on the benefit of procedures requiring internal candidates for the post of executive head to suspend their functions during their campaigns. On the one hand, it was considered impractical that, in the event that an incumbent executive head should be a candidate for a new term, he or she would have to suspend functions during the campaign, as such an interruption would negatively affect the management of the organization. On the other hand, it was considered inappropriate that an incumbent executive head running for another term not be placed on special leave whereas other internal candidates would be required to do so. It was also mentioned that it is sometimes difficult to determine the length of the campaign and hence the length of the special leave of the internal candidate. It was brought to the attention of the Inspectors that some internal candidates deliberately wait till almost one month prior to the deadline to declare their candidacies, while their candidature is informally known and staff and organization facilities are used in their campaign well before their formal announcement, hence putting into question the *raison d'être* of the provision in force.

81. In addition, it would be necessary to decide on other details of the leave of absence besides its length, such as whether the leave should be with or without pay, which person or legislative body should decide on the special leave, whether the special leave would be mandatory or voluntary, etc. Finally, it could be argued that cases of internal candidates usurping their position in the organization in servicing their campaigns would be covered by the pertinent provisions of the organization's staff regulations and rules and/or the organization's code of conduct/ethics.

82. The Inspectors believe that the issue of internal candidates for the post of executive head, including an executive head running for re-election, relating to the possible abuse of their functions to serve their campaigns, needs to be addressed, in order to prevent the possible misuse of the organization's resources, negatively impacting on the management of the organization by creating division among staff and in order to assert equal opportunities among all candidates. However, at the same time, they realize that the suspension of the functions of such internal candidates would not always be feasible in the case of an executive head running for another term. For instance, while it is conceivable that staff members of the United Nations who are candidates for the position of Secretary-General could be placed on Special Leave Without Pay (SLWOP), remaining subject to the staff regulations and rules, it would not be appropriate to place an incumbent Secretary-General, who is not subject to the staff regulations and rules, and is running for a second term, on SLWOP, given his mandate and functions.[47]

83. **The Inspectors are therefore of the view that any such wrongdoing by internal candidates needs to be covered by staff regulations and rules and/or the code of conduct/ethics of each organization, and that the pertinent provisions should also be applicable to executive heads of the organization. Procedures for investigating any alleged infringement of those provisions, including cases concerning the executive head, also need to be established where they do not exist. Any allegations of retaliation by the new or re-elected executive head against the non-elected internal candidates after the election should be handled in a similar way (see recommendation 10 of this report).**

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[47] See supra footnote 3, JIU/REP/2009/8-Comments of the United Nations Secretariat, p. 7.

H. Good conduct during the election campaign

84. It was brought to the attention of the Inspectors that there have been alleged cases, in which favours such as tour invitations, gifts, promises such as recruitment and/or procurement from certain countries, donations, or pledges of extra-budgetary contributions, are provided by candidates and/or their supporting governments, during the election campaign to delegates and representatives of Member States, in return for favourable votes for certain candidates.

85. The Inspectors are of the view that such behaviour would taint the electoral process and affect the fairness and credibility of the exercise and the candidate if elected. The nominating governments and their candidates for the post of executive head should be committed to exemplary conduct during the campaign and adhere to the highest standards of ethical behaviour by abstaining from actions which compromise the integrity and credibility of the election process.[48]

86. It is the opinion of the Inspectors that in cases where the staff regulations and rules and the code of conduct/ethics of an organization are silent on prohibiting and penalizing such practices, such provisions should be introduced through appropriate amendments. Reference is made to recommendation 9 of this report.

87. Such behaviour, in the view of the Inspectors, should always be considered illegal and unethical, and be condemned. If an internal candidate or a successful external candidate is alleged of such practices, they should be subject to an investigation and disciplinary process, as for any other cases of alleged wrongdoing/misconduct, according to the procedures applicable to staff members and executive heads, respectively. The outcome of the investigation or disciplinary process should be referred to the legislative body of the organization for its consideration. Reference is made to recommendation 10 of this report.

88. The implementation of the following recommendation is expected to assert accountability, ethics and transparency of the selection.

Recommendation 7

The legislative/governing bodies of the United Nations system organizations should condemn and prohibit unethical practices such as promises, favours, invitations, gifts, etc., provided by candidates for the post of executive head or their supporting governments during the selection/election campaign, in return for favourable votes for certain candidates.

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[48] Internal candidates campaigning for the post of executive head continue to be subject to the relevant staff regulations and rules and other administrative issuances, the code of conduct of their organizations, as well as the *2001 Standards of Conduct for the International Civil Service*.

III. CONDITIONS OF SERVICE OF EXECUTIVE HEADS OF THE UNITED NATIONS SYSTEM ORGANIZATIONS

A. Terms of appointment

89. The terms of appointment of the Secretary-General of the United Nations are determined by the General Assembly, while those of executive heads of the specialized agencies and IAEA are defined by their respective legislative organs. In some organizations, such as the United Nations, IAEA and WHO, the terms of appointment are published as official documents of their legislative bodies. In general, negotiations by the elected executive heads on the terms of appointment after the election do not take place, except in some exceptional cases. Any modifications or amendments to the terms of appointment must be endorsed by the organization's legislative bodies.

90. The terms of appointment of executive heads of the United Nations funds, programmes, other subsidiary organs and entities are on a par with those of other senior United Nations officials at the Under-Secretary-General level.

91. The Inspectors noted that there are significant discrepancies among the terms of appointment of executive heads in the various organizations, i.e. with respect to the length of a term and its renewability, salary scales and granted allowances.

1. Term length and renewal

92. Issues related to the length and the number of terms of the executive head have been discussed in chapter II (F) in the context of regional rotation and gender balance among executive heads.[49]

2. Salary scales and allowances

93. The salaries of executive heads at the United Nations, specialized agencies and IAEA are determined by the legislative bodies of the respective organizations at the start of the mandate. In some cases the salary is adapted to inflation during the mandate based on ICSC standards, as is done for regular staff members. The allowances granted are in line with those for regular staff. Most executive heads also receive housing and representation allowances. Salary levels and allowances for executive heads vary among the different organizations.

94. The salary scales of executive heads of United Nations funds, programmes, other subsidiary organs and entities, who are subject to the United Nations staff regulations and administrative issuances, are equivalent to those of other United Nations officials at the Under-Secretary-General level and are also accompanied by housing and representation allowances. The salary of the UNDP Administrator is 15 per cent higher than those of the executive heads of other United Nations funds, programmes, other subsidiary organs and entities.[50]

95. The Inspectors have been informed that a comparative study of the salary scales and allowances of United Nations system executive heads, prepared by CEB, shows substantial differences in remuneration and allowances across system organizations.

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[49] See supra paras. 67-76 of this report.
[50] Based on General Assembly resolution 57/310 of June 2003.

96. The Inspectors are of the opinion that there is a need for more coherence and harmonization in the terms of appointment of executive heads of the specialized agencies and IAEA. They therefore believe that, based on the study of CEB and in consultation with ICSC, common criteria should be developed to provide a basis for determining the salary scales and allowances for executive heads at those agencies by their respective legislative bodies. The parameters to be applied may include the overall annual or biennial budget of the organization, number of staff, as well as the location of organization headquarters.

97. The implementation of the following recommendation is expected to enhance coherence and harmonization in the terms of appointment of executive heads of the specialized agencies and IAEA, and possibly also lead to cost savings.

Recommendation 8

The CEB, in consultation with ICSC and based on its comparative study of the salary scales and allowances of executive heads in the United Nations system, should develop common criteria for providing a basis for the determination of salary scales and allowances for executive heads of the specialized agencies and IAEA by their respective legislative bodies.

B. Conflict of interest and wrongdoing/misconduct

98. Provisions covering conflicts of interest and any potential wrongdoing/misconduct pertaining to executive heads are not unified under one code. They are found in the terms of appointment of the executive heads, and in the statutes, code of conduct/ethics, and staff regulations and rules of the organization.

99. In the case of the United Nations Secretary-General, the staff regulations and rules of the United Nations do not apply to him, since he is the chief administrative officer of the organization and not a staff member.[51] The status, basic rights and duties of the Secretary-General are outlined in the relevant provisions of the Charter, in particular Article 100.[52] Conflict-of-interest issues are also addressed in the oath of office orally declared by the Secretary-General, as well as through his participation in the financial disclosure statements (FDS) programme. Finally, General Assembly resolution 11 (I), in its paragraph 4 (b),[53] sets out provisions covering conflict of interest issues following the end of the Secretary-General's mandate.

100. The executive heads of United Nations funds, programmes and subsidiary bodies are appointed by the Secretary-General and are staff members of the United Nations; hence the relevant provisions of the United Nations staff regulations and rules, code of conduct/ethics covering conflict-of-interest provisions and wrongdoing/misconduct apply to them. For instance, according to rule 1.2(i) of the United Nations staff rules: "Staff members shall not

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[51] See supra footnote 3.

[52] See reports A/54/695 and Corr.1 ("Proposed Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and experts on Mission") and A/54/710 and Corr.1 ("Regulations governing the status, basic rights and duties of the Secretary-General"), as requested by the General Assembly, in its resolution 52/252 of 8 September 1998. The Assembly considered both reports and adopted resolution 55/221, which no longer requested the Secretary-General to propose regulations governing the status, basic rights and duties of the Secretary-General.

[53] See Annex I of this report.

seek to influence Member States, principal or subsidiary organs of the United Nations or expert groups in order to obtain a change from a position or decision taken by the Secretary-General, including decisions relating to the financing of Secretariat programmes or units, or in order to secure support for improving their personal situation or the personal situation of other staff members or for blocking or reversing unfavourable decisions regarding their status or their colleagues' status."

101. At the specialized agencies and IAEA, provisions addressing conflicts of interest and any potential wrongdoing/misconduct are often incorporated into the terms of appointment of the executive head. The executive heads also sign an oath of office, which contains general clauses for good conduct, and abide by the code of conduct/ethics of their respective organizations, if existent, or the ICSC Standards of conduct for the international civil service. Finally, staff regulations and certain staff rules are also applicable to executive heads in many of the specialized agencies, either directly or through reference in the terms of appointment.

102. **However, the Inspectors noted that a *lacuna* exists in so far as in some organizations staff regulations and rules do not apply to the executive head, as they are not considered staff members of the organizations, while in some other organizations they only apply partially, with the consequence that many provisions addressing conflict of interest or other wrongdoing/misconduct are not applicable to executive heads. Furthermore, the provisions covering conflict of interest and wrongdoing/misconduct applicable to executive heads vary significantly in details and comprehensiveness from organization to organization. For instance, at several United Nations system organizations, there exist no provisions prohibiting remuneration for outside activities or membership on boards of non-governmental organizations (NGOs), and no restrictions on employment after the end of the mandate of the executive heads.**

103. In contrast, the Inspectors learned that IMF and the World Bank have extensive conflict-of-interest provisions in place concerning their executive heads. The terms of appointment specify that the executive heads are subject to the code of conduct of the organization, and include not only a general clause on conflict of interest but also stipulations on gifts and honours, non-profit service, outside employment, private investment management, and FDS.

104. The Inspectors are therefore of the opinion that the United Nations system organizations should update and harmonize their conflict-of-interest provisions applicable to executive heads, based on best practice found across the organizations. Such conflict-of-interest provisions should contain, inter alia, stipulations regarding the independence of the executive head from any person or entity outside the organization; the application of the organization's code of conduct/ethics to executive heads; the prohibition of outside employment and of engagement in non-profit organizations during and after the mandate; provisions governing memberships in boards of non-profit or other organizations; the receipt of gifts, honours and decorations; confidentiality clauses; and a general conflict-of-interest clause. Those provisions should be either incorporated into the terms of appointment of the executive heads or the contract signed by them, or, alternatively, the terms of appointment or the contract should contain specific references to the applicable provisions.

105. Furthermore, the terms of appointment, and the statutes, code of conduct/ethics, or staff regulations and rules of the organization applicable to the executive head should contain provisions to address any potential wrongdoing/misconduct on the part of the executive head, including retaliation, harassment, unethical behaviour relating to the election process and any irregularities relating to financial disclosure statements. If the terms of appointment of the executive head do not contain such provisions, specific references should be introduced to the pertinent provisions in the organization's statute, regulations and rules or code of conduct/ethics.

106. The implementation of the following recommendation is expected to enhance accountability, ethics, coherence and harmonization of provisions addressing alleged cases of conflict of interest and wrongdoing/misconduct involving executive heads, based on best practices.

Recommendation 9

The legislative bodies of the United Nations system organizations should adopt provisions comprehensively addressing conflicts of interest pertaining to, and/or wrongdoing/misconduct allegedly committed by, executive heads, if such provisions have not yet been adopted.

107. Finally, the Inspectors observed that there is a lack of procedures for handling cases of alleged conflict of interest or wrongdoing/misconduct involving the executive head, given that the final decision remains with the executive head as the chief administrative officer of the organization. Such procedures exist only in exceptional cases, and address specific, limited situations. For instance, according to regulation 1.6 of the WIPO staff rules, outside activities of regular staff need prior approval of the Director-General, and outside activities of the Director-General need prior approval by member States, as represented by the Coordination Committee, short of regulating any other conflict-of-interest cases pertaining to the Director-General.

108. In practice, executive heads in such situations would, on an ad hoc and case-by-case basis, consult the respective department (human resources, legal department or ethics office/function) concerning any potential conflict of interest, and may also request approval by the legislative body of their organization.

109. The Inspectors are of the view that there is a need in the United Nations, specialized agencies and IAEA to establish procedures for comprehensively and systematically addressing cases of conflict of interest pertaining to the executive head as well as any allegations of wrongdoing/misconduct against them. The investigation of such cases should be done by the organization's internal oversight or ethics office/function, as appropriate, or JIU. The outcome of the investigation should be reported directly to the legislative body of the respective organization for action on the matter. The JIU, as the only external and independent oversight body of the United Nations system, can undertake, on its own initiative, such investigations, should it so decide.

110. The implementation of the following recommendation is expected to enhance accountability, ethics, coherence and harmonization of procedures for the handling of any alleged cases of wrongdoing/misconduct, including retaliation and FDS irregularities, pertaining to executive heads of the United Nations system organizations.

Recommendation 10

The legislative bodies of the United Nations system organizations should direct the internal oversight or ethics office/function, as appropriate, or JIU to conduct investigations into alleged cases of wrongdoing or misconduct, including retaliation and irregularities relating to financial disclosure statements, allegedly committed by executive heads of system organizations. The investigating authority should report the outcome of the investigation directly to the legislative body of the

respective organization for action on the matter. The JIU, however, can undertake on its own initiative such investigations, should it so decide.

C. Financial disclosure statements

111. The Secretary-General of the United Nations and the executive head of WMO are subject to the policies of their respective organizations regarding financial disclosure statements (FDS), while at FAO, IMO, WIPO and UNESCO no FDS policies are in place. UNESCO, UPU and WIPO are in the process of introducing a FDS policy. At ITU, the Council, during its 2009 session held in October 2009, endorsed the creation of an ITU Ethics Officer function and established basic principles for the adoption of an ITU Financial Disclosure Policy and an ITU Policy for the protection of staff against retaliation for reporting misconduct (whistle-blowing). These will be submitted to the 2010 session of the Council in April for final approval. IAEA does have a FDS policy applicable to the Director-General. ILO and WHO have a mandatory disclosure mechanism called "register of financial interest" and "declaration of interest". The Secretary-General, on a voluntary basis, makes his FDS public on the Organization's website.

112. The executive heads of United Nations funds and programmes who are appointed by the Secretary General also participate in the financial disclosure programme of the United Nations, and many of them have also voluntarily made public their confidential FDS.

113. In the United Nations, the FDS are administered by the Ethics Office and reviewed and vetted by an external consultant.[54] Once a potential conflict of interest is identified in the process of a FDS review, advice is provided to the participant or staff member on action to be taken to manage the conflict in the best interest of the United Nations. The register of financial interest and declaration of interest of ILO and WHO executive heads are reviewed by the Treasurer and Financial Comptroller and the legal office, respectively, and that of the WMO Secretary-General is kept in the custody of the President of the WMO Council without being vetted.

114. The Inspectors observed that while any FDS irregularities relating to staff members of the organizations would be handled by the organization's ethics office/function, if established, or the human resources or legal department, there are no clear and unified procedures to deal with FDS irregularities of executive heads:. Reference in this context is made to recommendations 15 and 16 of the JIU report "Oversight lacunae in the United Nations system" (JIU/REP/2006/2) that proposed the establishment of an ethics function in each United Nations system organization and the introduction of a formal FDS policy, respectively.

115. The Inspectors further noted that there are no provisions or procedures for any irregularities or appearance of irregularities relating to the FDS of executive heads of the United Nations and its specialized agencies and IAEA. They therefore propose that such cases be referred to the ethics office/function of the organization or to JIU, which, after their investigations, should then report the outcome to the legislative body for action on the matter. Reference is made to recommendation 10 above in this respect.

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[54] PricewaterhouseCoopers (PwC).

116. The implementation of the following recommendation is expected to enhance accountability, ethics, coherence and harmonization of FDS policies within the specialized agencies of the United Nations system and IAEA.[55]

Recommendation 11

The legislative bodies of FAO, IAEA, ILO, IMO, UNESCO, UPU, WHO, and WIPO should establish a financial disclosure statement policy applicable to their executive heads.

D. Performance appraisals

117. The Secretary-General of the United Nations and other executive heads are accountable to Member States. For them there is no performance appraisal *stricto senso* comparable to that of staff members of the organizations. An implicit review by the organizations' legislative bodies takes place on the basis of its periodic reports on the implementation of the programme of work or the submission of the programme budget proposals.

118. The Secretary-General submits performance reports to the Fifth Committee, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Committee for Programme and Coordination (CPC), which provides for continuous performance measurement. Similarly, the executive heads of the specialized agencies and IAEA report to their policymaking organs. For all executive heads, re-election also constitutes an implicit, indirect performance evaluation. In comparison, the performance appraisals of executive heads of IMF and the World Bank are made by management committees which report to their respective boards. In addition, IMF and the World Bank are in the process of developing performance appraisal parameters for their executive heads.

119. The executive heads of the United Nations funds, programmes, other subsidiary organs and entities, in addition to their periodic reports to the executive boards of their respective organizations, are subject to a performance appraisal by the Secretary-General in the form of Senior Managers' Compacts. The Inspectors also learned that the Executive Director of UNFPA voluntarily participates in the 360 degree performance appraisal, while at UNDP and UNICEF global staff surveys containing questions on staff members' perceptions of executive head management are conducted.

120. The Inspectors were informed that there are divergent views on the need, benefits and practicability of performance appraisals for the Secretary-General of the United Nations and the executive heads of the specialized agencies and IAEA. On the one hand, it was argued that a formalized performance appraisal system was not feasible, since the Secretary-General of the United Nations and the executive heads of those agencies are elected officials accountable only to member States of their respective organizations. Factors such as the political dimension of their work, along with other practical and administrative considerations such as which body would conduct the performance assessment, the performance criteria and parameters that would be applied, and the design of a possible recourse system (an integral part of every performance appraisal system) made it difficult to establish such a system. Therefore, it was proposed that the performance assessment of executive heads should take

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[55] See supra footnote 9 on ILO.

the form of a political debate that may influence the decision related to whether an executive head is re-elected for a second term or not.

121. On the other hand, it was argued that a performance appraisal of the Secretary-General of the United Nations and the executive heads of the specialized agencies and IAEA would be beneficial and also feasible, following the examples of IMF and the World Bank, as well as the managerial compacts of executive heads of the United Nations funds, programmes, other subsidiary organs and entities. A formal appraisal could also provide an additional basis for the decision of whether to extend the executive head's term. Examples of performance criteria may be found in the performance appraisals developed by IMF and the World Bank, and those used at UNFPA, as well as in the managerial compacts of the executive heads of the United Nations funds, programmes, other subsidiary organs and entities. As at IMF and the World Bank, a committee composed of selected member States of the organization's legislative body could be placed in charge of the performance management system, submitting periodic reports for the consideration of the respective legislative bodies.

122. **The Inspectors concur with the second view that a performance appraisal of the Secretary-General of the United Nations and the executive heads of the specialized agencies and IAEA would be feasible and beneficial. The performance criteria should be similar to those developed by IMF and the World Bank, and those of the managerial compact of executive heads of the United Nations funds, programmes, other subsidiary organs and entities. The said system should be considered by the legislative bodies of the United Nations system organizations. Once established, it should be administered by committees, composed of members of the organization equitably representing regions. Each committee should submit periodic reports for consideration by their respective legislative body. Such a performance appraisal system, in the view of the Inspectors, would be a good means by which to complement the existing "implicit" performance appraisals (i.e. the performance reports submitted by executive heads to the legislative bodies of the organization), as such a system would allow for timely, periodic assessments, and would also include additional criteria, such as leadership, accountability, managerial competence and teamwork qualities of the executive heads.**

E. Other issues

1. Acceptance of gifts, honours and decorations

123. The receipt of gifts, honours, decorations, etc., by executive heads of the United Nations funds, programmes and subsidiary bodies, who are appointed by the Secretary-General and are staff members of the United Nations, is regulated by United Nations staff regulations and rules. These executive heads also seek prior approval from the Secretary-General, as appropriate, and may seek the advice of the United Nations Ethics Office.

124. In the case of the Secretary-General, even though he is not a staff member subject to United Nations staff regulations and rules, gifts are recorded by the Executive Office of the Secretary-General (EOSG). Any offers of honours and decorations are carefully reviewed by the Ethics Office to assess possible conflict of interest. The Secretary-General does not, under any circumstances, receive favours or remunerations.

125. As for executive heads of the specialized agencies and IAEA, the receipt of gifts, honours and decorations is governed by the staff regulations and rules or code of conduct/ethics of each organization, or by the terms of appointment of the executive head.

126. The policies regarding the receipt of gifts, honours, decorations, etc., vary. Some organizations, such as the United Nations and WHO, allow the acceptance of gifts if they are of token value, while other organizations have a "no-gift" policy, by which no gifts should be accepted except in cases where non-acceptance would create embarrassment.

127. The Inspectors observed that in several organizations, the provisions governing the acceptance of gifts, honours and decorations by staff members do also apply by implication to the executive heads. At the same time, the provisions stipulate that prior approval by the executive head for the acceptance of gifts, honours, decorations, etc., would be required. The problem arises, if it concerns the receipt of gifts, honours, decorations, etc., by the executive head, as he or she would decide on his or her own case.

128. While, in practice, executive heads in such situations would, on an ad hoc and case-by-case basis, consult the legal office prior to the possible acceptance of a gift, and also may request the prior approval of the organization's legislative body, the Inspectors are of the view that there exists a *lacuna*, and hence the need to establish provisions for the acceptance of gifts, honours, decoration, etc., by executive heads.

129. At IMF and the World Bank, gifts to executive heads are forbidden except if non-acceptance would cause embarrassment. In such cases, acceptance of the gift would be subject to the approval of the Executive Directors, and gifts received are considered to be the property of the organizations, and are added to their inventories. Similarly, the acceptance of honours, decorations and degrees by executive heads of IMF and the World Bank requires prior approval from the Executive Directors. The provisions on the acceptance of gifts, honours, decorations, etc., are also incorporated into the terms of appointment of the executive head.

130. **The Inspectors were informed that gifts offered by the Secretary-General and executive heads of the specialized agencies and IAEA to personalities are charged against different budget lines such as protocol, hospitality, supplies or miscellaneous. The Inspectors are of the view that such gifts should be of a token value and should represent the activities of the organization (e.g. publications). They should be charged under a unified budget line to facilitate their tracking and follow-up.**

131. Finally, the Inspectors favour the adoption of rigorous policies with regard to the receipt of gifts, honours, decorations, etc., by executive heads, i.e. as the receipt of gifts entails administrative follow-up (information about the gift, registration of the gift, storage of the gift, eventual disposal through an auction and provisions on the use of the money, etc.). The Inspectors consider the policies in force at IMF and the World Bank to be best practice, and propose that other United Nations system organizations establish similar policies.

132. The implementation of the following recommendation is expected to enhance best practice, coherence and harmonization of policies on the receipt of gifts, honours, decorations, etc., by executive heads.

Recommendation 12

The legislative bodies of the United Nations system organizations should establish rigorous policies regarding the acceptance of gifts, honours, decorations, etc., by their executive heads, where no such polices currently exist.

2. Discontinuation of the mandate

133. The Security Council and the General Assembly have the authority to decide on the discontinuation of the mandate of the Secretary-General and, similarly, the legislative bodies of the specialized agencies and IAEA regarding their executive heads. Most of the organizations, e.g. ITU, WHO and WIPO, have provisions to discontinue the mandates of their executive heads in cases of serious misconduct or other serious violations of their obligations. The respective legislative body would also decide on the conditions of the termination, i.e. suspension with or without pay, termination allowances, etc.

134. The Inspectors observed that decisions on the conditions of termination are often ad hoc, and legal basis for such determinations is not clear. At some organizations, reference is made in this respect to pertinent provisions in the staff regulations and rules, which should be applied on the basis of the salary scale of the executive head concerned. The Inspectors noted in this respect that the terms of appointment of the executive heads of IMF and the World Bank include provisions for possible termination allowances based on years of service and salary scales.

135. In order to avoid any future dispute, the Inspectors believe that the United Nations system organizations should also take into consideration the past and future judgements of the United Nations Dispute Tribunal and United Nations Appeals Tribunal, and of the ILO Administrative Tribunal (ILOAT), dealing with this issue such as the case of the former executive head of the Organization for the Prohibition of Chemical Weapons (OPCW). In that case, a former executive head was granted damages, paid by OPCW, following a decision of the Conference of the States Parties to terminate his mandate prior to the regular end of term.[56]

136. The implementation of the following recommendation is expected to enhance coherence and harmonization of provisions for possible termination allowances granted to executive heads based on best practice.

Recommendation 13

The legislative bodies of the United Nations system organizations should include in the terms of appointment of their executive heads a provision for a possible termination allowance based on ICSC standards, where such a provision is missing.

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[56] For details, please see ILOAT, Judgment No. 2232.

Annex I

United Nations General Assembly resolution 11 (I)

"11 (I). TERMS OF APPOINTMENT OF THE SECRETARY-GENERAL

The General Assembly resolves that, in view of the heavy responsibilities which rest upon the Secretary-General in fulfilling his obligations under the Charter:

1. The terms of the appointment of the Secretary-General shall be such as to enable a man of eminence and high attainment to accept and maintain the position.

2. The Secretary-General shall receive a salary of an amount sufficient to bring him in a net sum of $20,000 (V.S.), together with representation allowance of $20,000 (V.S.), per annum. In addition, he shall be provided with a furnished residence, the repairs and maintenance of which, excluding provision of household staff, shall be borne by the Organization.

3. The first Secretary-General shall be appointed for five years, the appointment being open at the end of that period for a further five year term.

4. The following observations contained in paragraphs 18-21 of section 2, chapter VIII of the Preparatory Commission's Report be noted and approved:

(a) There being no stipulation on the subject in the Charter, the General Assembly and the Security Council are free to modify the term of office of future Secretaries-General in the light of experience.

(b) Because a Secretary-General is a confident of many governments, it is desirable that no Member should offer him, at any rate immediately on retirement, any governmental position in which his confidential information might be a source of embarrassment to other Members, and on his part a Secretary-General should refrain from accepting any such position.

(c) From the provisions of Articles 18 and 27 of the Charter, it is clear that, for the nomination of the Secretary-General by the Security Council, an affirmative vote of seven members, including the concurring votes of the permanent Members, is required; and that for his appointment by the General Assembly, a simple majority of the members of that body present and voting is sufficient, unless the General Assembly itself decides that a two thirds majority is called for. The same rules apply to a renewal of appointment as to an original appointment; this should be made clear when the original appointment is made.

(d) It would be desirable for the Security Council to proffer one candidate only for the consideration of the General Assembly, and for debate on the nomination in the General Assembly to be avoided. Both nomination and appointment should be discussed at private meetings, and a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot.

Seventeenth plenary meeting, 24 January 1946"

ANNEX II

Overview of action to be taken by participating organizations on JIU recommendations
JIU/REP/2009/8

		Intended impact	United Nations, its funds and programmes													Specialized agencies and IAEA												
			CEB*	United Nations**	UNCTAD	UNODC	UNEP	UN-Habitat	UNHCR	UNRWA	UNDP	UNFPA	UNICEF	WFP	UNOPS	ILO	FAO	UNESCO	ICAO	WHO	UPU	ITU	WMO	IMO	WIPO	UNIDO	UNWTO	IAEA
Report	For action		☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	For information		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Recommendation 1		b		L												L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 2		a		E																								
Recommendation 3		e		F																								
Recommendation 4		b		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 5		b		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 6		b		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 7		a		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 8		f	E																									
Recommendation 9		a		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

Legend: L: Recommendation for decision by legislative organ
E: Recommendation for action by executive head (*in case of the CEB by the Chair of the CEB)
■: Recommendation does not require action by this organization

Intended impact: **a:** enhanced accountability **b:** dissemination of best practices **c:** enhanced coordination and cooperation **d:** enhanced controls and compliance **e:** enhanced effectiveness **f:** significant financial savings **g:** enhanced efficiency **o:** other

** Covers all entities listed in ST/SGB/2002/11 other than UNCTAD, UNODC, UNEP, UN-Habitat, UNHCR, UNRWA

		Intended impact	CEB*	United Nations**	UNCTAD	UNODC	UNEP	UN-Habitat	UNHCR	UNRWA	UNDP	UNFPA	UNICEF	WFP	UNOPS	ILO	FAO	UNESCO	ICAO	WHO	UPU	ITU	WMO	IMO	WIPO	UNIDO	UNWTO	IAEA
			United Nations, its funds and programmes													**Specialized agencies and IAEA**												
Report	**For action**		☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	For information		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Recommendation 10		**a**		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 11		**a**														L	L	L		L	L			L	L			L
Recommendation 12		**b**		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 13		**b**		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

Legend: **L**: Recommendation for decision by legislative organ
E: Recommendation for action by executive head
■: Recommendation does not require action by this organization

Intended impact: **a**: enhanced accountability **b**: dissemination of best practices **c**: enhanced coordination and cooperation **d**: enhanced controls and compliance **e**: enhanced effectiveness **f**: significant financial savings **g**: enhanced efficiency **o**: other

* Covers all entities listed in ST/SGB/2002/11 other than UNCTAD, UNODC, UNEP, UN-Habitat, UNHCR, UNRWA.